

REMARKS

The examiner rejected claims of this application on particularly claims 4, 7 through 8, and 10 through 11, under §103, as unpatentable over Stur in view of Julien '894.

The claims have been amended so that the contents of claim 4 have been added into claim 1, to define that the additive, for horses, a mixture of dried glutamic acid fermentation solubles, glutamic acid, and dried corn fermentation, and that a mixture of these are dried to a particular weight within a range of a select temperature. All of the claims of this application now include these limitations.

Also enclosed herein is a terminal disclaimer relative to the Julien patent '894, in addition to the other five Julien patents.

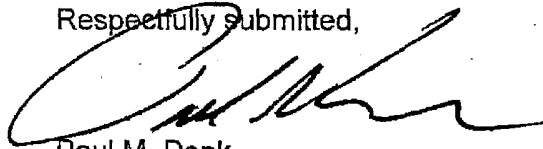
Hence, with the filing of this terminal disclaimer, it is submitted that various Julien patents are not available for use for rejection of these claims under §103, in combination with the Stur Enterprises WO patent. It must be noted that Stur had access to the Julien compositions, early on, as a distributor, and decided to take his own route, by filing his own applications, upon what appear to be related product. Nevertheless, the examiner recognizes that Stur does not teach the addition of glutamic acid, or glutamic acid or corn fermentation solubles, in his mixture. Julien is the only one to disclose that concept. But, with the filing of the terminal disclaimer's herein, it would appear that the Julien patents may not be effective prior art against the claims of this current application.

The examiner also rejected a claim, such as claim 4, through the double patenting procedure, over the claims of the '574 patent, and the claims of the '238 patent, of Julien, in view of Hirakawa, et al, and GB955642. First of all, the first two Julien patents have been clearly obviated through the use of the filing of the terminal disclaimer. The examiner states, Hirakawa only teaches the use of amino acids, as being important in animal diets, and the GB patent for showing glutamic acid improves palatability. Applicant's usage of select components, as identified in amended claim 1, not only are of different structure, but are used for

a different purpose, defined in the application, which are used to enhance the feed additive, to enhance the digestive process of the identified type of animal, so that the derived substances can be absorbed and utilized directly by the stomach, of the digestive tract. This appears to be different from what Hirakawa, or the GB patents, explains.

The examiner's further review of this matter would be appreciated.

Respectfully Submitted,



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